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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
Nirvachan Sadan, Sector- 17, Panchkula, Haryana – 134109

Order

The 17th March, 2021

No. SEC/3ME/2021/689.— The General Election of Municipal Corporation, Panipat was held on 16.12.2018 and the result of the elected candidates was declared on 19.12.2018.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8E of the Haryana Municipal Corporation Act, 1994 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2017/879, dated 18.05.2017 and notification No. SEC/3ME/2018/5582, dated 14.11.2018 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs.5,00,000/- for the member and Rs.20,00,000/- for the Mayor that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Panipat and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 9(1A) of the Haryana Municipal Corporation Act, 1994 authorized Assistant State Election Commissioner, State Election Commission, Haryana *vide* order No. SEC/1ME/2020/1833, dated 12.11.2020 to decide the cases of disqualification of the candidates, who failed to lodge their account of election expenses within the prescribed time.

6. As reported by the Deputy Commissioner, Panipat, the following candidates had contested the election of Municipal Corporation Panipat held on 16.12.2018 but failed to submit their election expenditure account:-

| Sr. No. | Name of Candidate | Father/Husband's Name | Post/Ward No. |
|---------|--------------------|-----------------------|---------------|
| 1. | Bharti | Ram Niwas | Mayor |
| 2. | Priyanka | Giani Ram | Mayor |
| 3. | Sudesh | Ajay | 1 |
| 4. | Mange Ram | Sukhvira | 2 |
| 5. | Shamsher Singh | Bheem Singh | 2 |
| 6. | Om Parkash | Dariyav Singh | 2 |
| 7. | Neesha | Raj Kumar | 3 |
| 8. | Geeta Rani | Sandeep Singh | 3 |
| 9. | Raina | Mukesh Kumar | 3 |
| 10. | Kashish | Rajender | 4 |
| 11. | Pushpender | Sube Singh | 4 |
| 12. | Sukesh Kumar | Shyam Lal | 5 |
| 13. | Baljinder Singh | Joginder Singh | 5 |
| 14. | Naresh Kumar | Babu Ram | 6 |
| 15. | Vijay Kumar | Prem Chand | 6 |
| 16. | Subhash Chander | Ramdas | 7 |
| 17. | Ashish Kumar | Tilak Raj | 12 |
| 18. | Jitender Kumar | Shri Niwas Sharma | 12 |
| 19. | Ruby | Charandas | 15 |
| 20. | Sonia | Surender | 16 |
| 21. | Gunwati | Satbir | 17 |
| 22. | Santosh | Harish Chand | 17 |
| 23. | Manju | Rakesh | 17 |
| 24. | Meenakshi Katariya | Ramesh Kataria | 19 |
| 25. | Poonam | Som Dutt | 19 |
| 26. | Aarti | Sunny Paharhiya | 19 |
| 27. | Hem Lata | Ram Niwas | 19 |
| 28. | Rajesh | Ishwar Singh | 21 |
| 29. | Neelam Rani | Satish Kumar | 22 |
| 30. | Sushma | Lakhwinder | 24 |
| 31. | Nidhi | Bhagat Singh | 24 |
| 32. | Kanta Devi | Tara Chand | 24 |
| 33. | Rekha | Raj Kumar | 24 |
| 34. | Mamta Rani | Sushil Kumar | 24 |
| 35. | Babli | Amit | 25 |
| 36. | Asha | Bittu | 25 |
| 37. | Sohan Lal | Balbir | 26 |

7. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them an opportunity of personal hearing on 14.12.2020 at 12.30 PM in the office of State Election Commission, Haryana, "Nirvachan Sadan", Plot No.2, Sector-17, Panchkula in the interest of natural justice. The Executive Officer, Municipal Corporation, Panipat was present and submitted letters dated 11.12.2020. It has been observed that notice of personal hearing has been delivered to all the candidates in person or through their family members.

9. The contesting candidates mentioned at Sr.No.2 to 7, 9 to 31 and 33 to 37 neither appeared before me nor filed any representation. Therefore, it can be concluded that they have nothing to say in the matter. Hence, they are proceeded ex-parte. The above noted candidates deserve to be disqualified.

10. Candidates mentioned at Sr.No.1, 8 and 32 did not appear for personal hearing. Expenditure register of candidate mentioned at Sr.No.1 has sent a representation stating therein that:-

"I Bharti daughter of late Sh.Ram Niwas, contested the election for Mayor of Municipal Corporation, Panipat. I would like to tell you that my father look after the election expenditure during the election but he expired on 25.06.2020 so he did not told me about the election expenditure and unable to submit the election expenditure. I am also clarified here that I will not contest any election in the future and do not bother any more regarding this."

In view of report of the Deputy Commissioner, Panipat, it is concluded that the said candidate has failed to file her election expenditure statement within the prescribed time limit and deserves to be disqualified.

11. Candidate mentioned at Sr.No.8 has submitted her election expenditure statement on 19.03.2019 but did not appear for personal hearing and submitted a representation *vide* which she informed that after losing the election she was not aware about the rules in the matter but she had not submitted any reason in this regard, hence presumed that she has failed to file her election expenditure within the prescribed time limit and deserve to be disqualified.

12. Candidate mentioned at Sr.No.32 did not appear for personal hearing. The Deputy Commissioner, Panipat *vide* its letter dated 07.12.2020 has send election expenditure register submitted by the said candidate but has not explained the reason of filing election expenditure statement beyond prescribed time limit. Thus it is presumed that the said candidate has failed to file her election expenditure statement within the prescribed time limit and deserves to be disqualified.

13. Hence I, Parmal Singh, Assistant State Election Commissioner, Haryana, hereby order that all the above mentioned 37 candidates mentioned in para 6 are disqualified under section 8E of the Haryana Municipal Corporation Act, 1994 for being chosen as, and for being a member of Municipality for a period of five years from the date of this order.

15. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Panipat immediately.

Panchkula:
The 12th March, 2021.

PARMAL SINGH,
Asstt. State Election Commissioner, Haryana.